

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Claims 1-18 were previously canceled without prejudice or disclaimer. By this Amendment, Claims 54-69 have also been canceled without prejudice or disclaimer. Claims 36 and 53 have been revised to correct a minor grammatical error. Claims 70-80 have been added to provide more comprehensive protection for certain aspects of the invention. Thus, Claims 19-53 and 70-80 are currently pending, with Claims 19, 37 and 70 being independent.

Claims 19-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over of Causey, III et al. (USP 6,641,533, hereinafter Causey) in view of Gilcher et al. (USP 6,113,554, hereinafter Gilcher). The rejection is respectfully traversed.

For at least the reasons presented in the previous Response dated February 8, 2008 (the substance of which is hereby incorporated by reference), the outstanding rejections should be withdrawn.

In particular, Causey discloses a bi-directional communication link between elements of the system, not a one-way communication mechanism. The outstanding Office Action (page 2) purports that “even though the [one-way] data flow disclosed by figure 10 is based on one particular mode of operation, the device is fully *capable* of operating in this manner at any point during operation” (emphasis added). However, the language of the claims does not define something that is capable of one way communications. Rather, it recites a “one-way communication mechanism” such that the monitor unit is prevented from affecting the administration of the medical treatment by the treatment unit.” The prior art does not satisfy this feature and further, it does not teach such a feature. This is a structural feature and none

of the applied references teaches it. The outstanding rejection further states that Causey teaches that a “computer 6 (monitoring portion) is capable of receiving data from the treatment unit 400 via a medical device module 200 for analysis but does not disclose that the computer 6 transmits data back to the medical device module 200.” But references must be read in their entireties and interpreted as one of ordinary skill in the art would understand them. Causey makes it quite clear that the medical device module 200 can be used to program and obtain data from infusion pump 400 (Causey, col. 23, lines 28-30). Further, Causey’s medical device module 200 downloads data and receives updated programming or instructions from the computer (Causey, col. 23, lines 42-47 and 52-56). Accordingly, instructions from the computer can directly affect medical device module 200, which, in turn, can directly affect infusion pump 400. Thus, Causey does not show the recited feature. The secondary reference to Gilcher also does not discuss a one-way communication mechanism and thus fails to remedy the above noted deficiencies of Causey.

It is further noted that the proposed modification of Causey based on the teachings of Gilcher and *In re Larson* would be improper. As set forth in the previous Response, Causey’s device would be rendered unsatisfactory for its intended objective of remote testing and monitoring by the proposed modification, regardless of whether or not Gilcher actually teaches this proposed modification.

Accordingly, Applicant respectfully submits that the Office Action has failed to set forth a *prima facie* rejection and respectfully requests that the outstanding rejections be withdrawn.

Regarding new Claims 70-80, it should be apparent from the discussion above that the applied references fail to teach or suggest the features of the new claims. In particular,

Applicants note the limitation of the monitoring module being operatively isolated from the treatment module such that the monitoring module is prevented from affecting operation of the treatment module, as recited in independent Claim 70.

Accordingly, Claims 19-53 and 70-80 are in condition for allowance and an early Notice of Allowance is respectfully requested.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4342-14521US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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